

1 BARRY J. PORTMAN  
Federal Public Defender  
2 MANUEL U. ARAUJO  
Assistant Federal Public Defender  
3 160 West Santa Clara Street, Suite 575  
San Jose, CA 95113  
4 Telephone: (408) 291-7753  
5 Counsel for Defendant THOMAS-PEREZ  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-11-00737- LHK
	)	
12 Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>HEARING TO NOVEMBER 30, 2011 at</b>
13 vs.	)	<b>10:00 a.m.</b>
	)	
14 SALVADOR THOMAS-PEREZ,	)	
	)	
15 Defendant.	)	
_____	)	

16  
17 **STIPULATION**

18 The parties, Salvador Thomas-Perez and the government, acting through their respective  
19 counsel and subject to the Court's approval, stipulate that the hearing date currently set for  
20 November 9, 2011, be vacated and that the Court set a new hearing date on November 30, 2011,  
21 at 10:00 a.m. Counsel for Mr. Thomas-Perez will be in trial on November 9, 2011, before the  
22 Honorable Ronald M. Whyte. The request for the continuance is also based on the parties  
23 ongoing investigation and discussions which lead them to believe that the case will be resolved  
24 without the need to hear the motion to dismiss, or for a trial. The continuance will enable the  
25 parties sufficient time to resolve the case without trial.

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1 The parties further agree and stipulate for purposes of Speedy Trial Act computations  
2 pursuant to Title 18, United States Code, Sections 18 U.S.C. §3161(h)(7)(A) and (B)(iv) that  
3 time should be excluded from November 9, 2011 through and including November 30, 2011, to  
4 provide continuity of counsel and to provide defense counsel further time to prepare.

5 Accordingly, Mr. Thomas-Perez and the government agree that granting the requested exclusion  
6 of time will serve the interest of justice and outweigh the interest of the public and the defendant  
7 in a speedy trial.

8 Dated: November 4, 2011

9 /s/  
10 Manuel U. Araujo,  
Assistant Federal Public Defender

11 Dated: November 4, 2011

12 /s/  
13 Ann Marie Ursini,  
Special Assistant United States Attorney

14 **[PROPOSED] ORDER**

15 WHEREFORE, based on the above, the COURT HEREBY ORDERS that the hearing  
16 currently scheduled on November 9, 2011, is continued to November 30, 2011, at 10:00 a.m.,  
17 and further ordered that the period of delay from time from November 9, 2011, through and  
18 including November 30, 2011, is excluded for purposes of Title 18, United States Code,  
19 Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

20 SO ORDERED.

21 Dated: November 4, 2011

22 Lucy H. Koh  
23 HONORABLE, LUCY H. KOH,  
24 United States District Judge  
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